<u>REMARKS</u>

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 5, 6, 13 and 14 have been cancelled. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 5, 7, 13 and 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,006,756 to Keesen et al. The Examiner has further rejected claims 6, 8, 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over Keesen et al. in view of U.S. Patent 5,838,876 to Iwamura. Applicants acknowledge that the Examiner has allowed claims 1-4 and 9-12.

The Keesen et al. patent discloses a method and apparatus for timestamping a bitstream to be recorded, in which a stream recorder is capable of generating timestamps and inserting these timestamps into a bitstream being recorded.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 7 (and 15) includes the limitations "(means for) determining if the timestamps

for frames of the audiovisual data stream are correct in the CPI"
and "(means for) correcting any timestamps in the CPI which are
incorrect".

The Examiner has indicated that these limitations are
taught by Keesen et al. at col. 5, lines 5-11, and col. 1, lines
60-67 and col. 2, line 1, respectively.

Applicants submit that the Examiner is mistaken. In
particular, Keesen et al., at col. 5, lines 5-11, states:

> "A proposed stream recorder specification offers the
> possibility to record stream-recorder generated
> timestamps which are derived from e.g. a 27 MHz clock.
> In one embodiment of the invention the stream recorder
> records the IEEE1394 timestamps instead and evaluates
> them when replaying in order to assign to the data
> packets the correct temporal position."

Applicants submit that from the above, it should be
apparent that the timestamps recorded by the stream recorder are
being used to make sure that the data packets of the bitstream are
in the correct temporal position. However, there is no disclosure
or suggestion of determining if the recorded timestamps are
correct. Rather, Keesen et al. presumes that the timestamps are
correct and uses them to align the data packets.

Further, Keesen et al., at col. 1, lines 60-67 and col. 2,
line 1, states:

> "In a third embodiment the stream recorder records
> the IEEE1394 timestamps and evaluates them when
> replaying in order to assign to the data packets the
> correct temporal position.
> "It is one object of the invention to disclose a
> method for recording and replaying a bitstream, wherein
> after replaying the recorded data packets do have the
> correct temporal location within the bitstream and
> wherein no jitter accumulation takes place."

Applicants submit that it should be clear from the above that Keesen et al. is not correcting incorrect timestamps, but rather, is using the recorded timestamps to align the data packets in the recorded bitstream to their correct temporal positions such that no jitter accumulation takes place. Again, Applicants stress that Keesen et al. presumes that the timestamps are correct, and corrects (or aligns) the temporal positions of the data packets accordingly.

The Iwamura patent discloses frame-accurate edit and playback in digital stream recording, in which a user of the system indicates an edit point using a remote control while viewing decoded pictures of a television, and the system retrieves the presentation timestamp (PTS) of the picture currently being displayed on the television. Alternatively, the system, during playback, parses the data to retrieve the PTS's and generates an EP-PTS table.

The Examiner has indicated that "Iwamura provides an apparatus and method for recording and editing a data stream including the steps of receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp (See Iwamura col. 8, lines 1-18 and lines 41-48)."

Applicants submit that the Examiner is mistaken. In particular, Iwamura, at col. 8, lines 1-18, states:

> "While MO drive 4 is recording the stream, a user
> is typically watching the decoded pictures on TV 3. The

user may specify an edit point (i.e., the start point of a desired video track) using remote control 5. User interface 221 receives signals from remote control 5 and indicates to CPU 220 that an edit point has been selected. CPU 220 send a command to IRD 2 through 1394 interface 200 using asynchronous packet transmission as illustrated in FIG. 11. Alternatively, IRD 2 may receive the edit point command directly from remote control 5.

"When CPU 114 of IRD 2 receives a command indicating that an edit point has been selected, CPU 114 obtains from video decoder 109 the PTS of the picture currently displayed on TV 3. This PTS will correspond to the edit point picture as selected by the user. CPU 114 then provides this PTS to MO drive 4 through the 1394 network. With this PTS, MO drive 4 (i.e., CPU 220) refers to the EP-PFS table for the EP and picture type of the picture.";

and at col. 8, lines 41-48, states:

"During playback an EP-PTS table may also be created. However, this is only necessary if editing will be done during playback. During playback, parser 203 parses the playback data and CPU 220 constructs an EP-PTS table in memory 204 in a manner similar to that performed during recording. If the playback stream corresponds to that shown in FIG. 9, an EP-PTS table corresponding to that shown in table 1 will be created."

Applicants submit that it should be apparent that Iwamura retrieves the PTS based on a picture being identified by the user, or automatically during playback. However, there is no disclosure or suggestion of a frame number being selected by the user. Further, Iwamura does not supply that which is missing from Keesen et al., i.e., "(means for) determining if the timestamps for frames of the audiovisual data stream are correct in the CPI" and "(means for) correcting any timestamps in the CPI which are incorrect".

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious

by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-4, 7-12, 15 and 16, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by__/Edward W. Goodman/_____
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611